

105TH CONGRESS
2D SESSION

H. RES. 545

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code section 593(b), of high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1998

Mr. HASTINGS of Florida submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code section 593(b), of high crimes and misdemeanors.

1 *Resolved*, That Kenneth W. Starr, an independent
2 counsel of the United States of America, is impeached for
3 high crimes and misdemeanors, and that the following ar-
4 ticles of impeachment be exhibited to the Senate:

5 Articles of Impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of all the people of the United States
8 of America, against Kenneth W. Starr, an independent

1 counsel of the United States of America, in maintenance
2 and support of its impeachment against him for high
3 crimes and misdemeanors.

4 ARTICLE I

5 In his conduct of the office of independent counsel,
6 Kenneth W. Starr has violated his oath and his statutory
7 and constitutional duties as an officer of the United States
8 and has acted in ways that were calculated to and that
9 did usurp the sole power of impeachment that the Con-
10 stitution of the United States vests exclusively in the
11 House of Representatives and that were calculated to and
12 did obstruct and impede the House of Representatives in
13 the proper exercise of its sole power of impeachment. The
14 acts by which Independent Counsel Starr violated his du-
15 ties and attempted to and did usurp the sole power of im-
16 peachment and impede its proper exercise include:

17 (1) On September 9, 1998, Independent Coun-
18 sel Kenneth W. Starr transmitted two copies of a
19 “Referral to the United States House of Representa-
20 tives pursuant to Title 28, United States Code,
21 § 595(c).” As part of that Referral, Mr. Starr sub-
22 mitted a 445-page report (the “Starr Report”) that
23 included an extended narration and analysis of evi-
24 dence presented to a grand jury and of other mate-
25 rial and that specified the grounds upon which Mr.

1 Starr had concluded that a duly elected President of
2 the United States should be impeached by the House
3 of Representatives. By submitting the Starr Report,
4 Mr. Starr usurped the sole power of impeachment
5 and impeded the House in the proper exercise of
6 that power in various ways, including the following:

7 (a) In preparing the Starr Report, Mr.
8 Starr misused the powers granted and violated
9 the duties assigned independent counsel under
10 the provisions of Title 28 of the United States
11 Code. Section 595(c) does not authorize or re-
12 quire independent counsel to submit a report
13 narrating and analyzing the evidence and iden-
14 tifying the specific grounds on which independ-
15 ent counsel believes the House of Representa-
16 tives should impeach the President of the
17 United States. By submitting the Starr Report
18 in the form he did, Mr. Starr misused his pow-
19 ers and preempted the proper exercise of the
20 sole power of impeachment that the Constitu-
21 tion assigned to the House of Representatives.
22 Mr. Starr thereby committed a high crime and
23 misdemeanor against the Constitution and the
24 people of the United States of America.

(b) In his preparation and submission of the Starr Report, Mr. Starr further misused his powers and violated his duties as independent counsel and arrogated unto himself and effectively preempted and undermined the proper exercise of power of impeachment that the Constitution allocated exclusively to the House of Representatives. Mr. Starr knew or should have known, and he acted to assure, that the House of Representatives would promptly release to the public any report that he transmitted to the House of Representatives under the authority of Section 595(c). With that knowledge, Mr. Starr prepared and transmitted a needlessly pornographic report calculated to inflame public opinion and to preclude the House of Representatives from following the procedures and observing the precedents it had established for the conduct of a bipartisan inquiry to determine whether a President of the United States had committed a high crime or misdemeanor in office meriting impeachment. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

1 (2) Independent Counsel Kenneth W. Starr fur-
2 ther usurped and arrogated unto himself the powers
3 that belong solely to the House of Representatives
4 by using and threatening to use the subpoena pow-
5 ers of a federal grand jury to compel an incumbent
6 President of the United States to testify before a
7 federal grand jury as part of an investigation whose
8 primary purpose had become and was the develop-
9 ment of evidence that the President had committed
10 high crimes and misdemeanors justifying his im-
11 peachment and removal from Office. With respect to
12 the President of the United States, the only means
13 by which the holder of that office may be called to
14 account for his conduct in office is through the exer-
15 cise by the House of Representatives of the inves-
16 tigative powers that the constitutional assignment of
17 the sole power of impeachment conferred upon it.
18 Mr. Starr improperly used and manipulated the
19 powers of the grand jury and his office to effectively
20 impeach the President of the United States of Amer-
21 ica and force the House of Representatives to ratify
22 his decision. Mr. Starr thereby committed a high
23 crime and misdemeanor against the Constitution and
24 the people of the United States.

9 ARTICLE II

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1 (1) Mr. Starr unlawfully and improperly dis-
2 closed and authorized disclosures of grand jury ma-
3 terial for the purpose of embarrassing the President
4 of the United States and distracting him from and
5 impairing his ability to execute the duties of the of-
6 fice to which the people of the United States had
7 elected him. Mr. Starr has thereby committed high
8 crimes and misdemeanors against the Constitution
9 and people of the United States.

10 (2) Mr. Starr engaged in a wilful and persistent
11 course of conduct that was calculated to and that
12 did wrongfully demean, embarrass, and defame an
13 incumbent President of the United States and that
14 thereby undermined and impaired the President's
15 ability to properly execute the duties of the office to
16 which the people of the United States had elected
17 him, including not only Mr. Starr's wrongful disclo-
18 sures of grand jury material, but also other im-
19 proper conduct, such as his actions and conduct cal-
20 culated to suggest, without foundation, that the in-
21 cumbent President had participated in preparing a
22 so-called "talking points" outline to improperly in-
23 fluence the testimony of one or more persons sched-
24 uled to be deposed in a private civil action. By his
25 wilful and persistent conduct in misrepresenting as

1 well as improperly disclosing evidence that he had
2 gathered, Mr. Starr committed high crimes and mis-
3 demeanors against the Constitution and the people
4 of the United States of America.

5 (3) Mr. Starr intentionally, wilfully, and im-
6 properly embarrassed the people and the President
7 of the United States by including in the Starr Re-
8 port an unnecessary and improper and extended de-
9 tailed, salacious, and pornographic narrative account
10 of the consensual sexual encounters that a grand
11 jury witness testified she had with the incumbent
12 President of the United States. By including that
13 unnecessary and improper pornographic narrative,
14 Mr. Starr intended to and did undermine and im-
15 peril the ability of the President to conduct the for-
16 eign relations of the United States of America and
17 otherwise to execute the duties of the office to which
18 the people of the United States had elected him, and
19 he knowingly and improperly embarrassed the
20 United States as a nation. By including that nar-
21 rative, knowing and intending that it would be pub-
22 lished and disseminated, Mr. Starr committed a high
23 crime and misdemeanor against the Constitution and
24 the people of the United States of America.

9 ARTICLE III

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1 meaned the office and role of all federal prosecutors in-
2 clude:

3 (1) Mr. Starr disclosed and authorized and ap-
4 proved the disclosure and misuse of grand jury ma-
5 terials in violation of Rule 6(e)(2) of the Federal
6 Rules of Criminal Procedure and with contempt for
7 the federal courts and for the rights of those who
8 appear before grand juries of the United States and
9 of those who are subjects of grand jury investiga-
10 tions.

11 (2) Throughout his investigations, Mr. Starr
12 abused the powers of his office and condoned the
13 abuse of those powers to improperly intimidate and
14 manipulate citizens of the United States who were
15 interviewed or called to testify before a grand jury
16 or who were actual or potential targets of his inves-
17 tigations and to deprive them of rights guaranteed
18 to all citizens of the United States. Mr. Starr and
19 subordinates for whose conduct he is responsible fur-
20 ther abused and misused the powers of the office of
21 independent counsel and the powers of the grand
22 jury to improperly invade and needlessly intrude
23 upon the privacy of individuals and to demean the
24 rights guaranteed to all by the First and Fifth

1 Amendments to the Constitution of the United
2 States.

3 (3) Throughout his investigations, Mr. Starr
4 has abused and misused and has authorized and ap-
5 proved the abuse and misuse of the powers of his of-
6 fice in ways that have demeaned the prosecutorial
7 office and that have undermined and will undermine
8 the ability of other prosecutorial officers of the
9 United States to discharge their duty to take care
10 that laws of the United States be faithfully executed.

11 (4) In his conduct of the office of independent
12 counsel, Mr. Starr has needlessly and unjustifiably
13 expended and wasted funds of the United States.
14 Over the past four years, Mr. Starr has expended
15 more than forty million dollars (\$40,000,000) in a
16 relentless pursuit of investigations and prosecutions
17 that he knew or should have known did not merit
18 and could not justify such extraordinary expendi-
19 tures.

20 By the conduct described in this Article III of these
21 Articles of Impeachment, Kenneth W. Starr committed
22 high crimes and misdemeanors against the Constitution
23 and the people of the United States of America.

24 In all of this, Kenneth W. Starr has acted in a man-
25 ner contrary to his trust as an independent counsel of the

1 United States and subversive of constitutional govern-
2 ment, to the great prejudice of the cause of law and jus-
3 tice, and to the manifest injury of the people of the United
4 States.

5 Wherefore Kenneth W. Starr, by such conduct, war-
6 rants impeachment and trial, and removal from office.

7 ARTICLE IV

8 By his conduct as an officer of the United States of
9 America, including the conduct described in Articles I
10 through III of these Articles of Impeachment, Kenneth W.
11 Starr has violated the oath he took to uphold and defend
12 the Constitution of the United States of America. He has
13 acted and persisted in acting in ways that were calculated
14 to and did embarrass the United States and the people
15 of the United States before the international community
16 and that were calculated to and did undermine the ability
17 of the Legislative Branch, the Executive Branch, and the
18 Judicial Branch to effectively exercise the powers and dis-
19 charge the duties assigned to each by the Constitution of
20 the United States of America. He has unconstitutionally
21 and improperly exercised powers that were not his to exer-
22 cise and has acted in ways that were calculated to and
23 did improperly demean a President of the United States
24 and diminish the capacity of the President to effectively
25 discharge the duties that the people of the United States

1 elected him to perform. He has unconstitutionally and im-
2 properly exercised his powers and has acted in ways that
3 were calculated to and did demean the House of Rep-
4 resentatives and that have effectively deprived the House
5 of Representatives of its right to exercise its sole power
6 of impeachment in a deliberate and bipartisan manner
7 that was consistent with the procedures and precedents
8 it had established in prior proceedings and inquiries to de-
9 termine whether the President of the United States should
10 be impeached. He has unlawfully and improperly exercised
11 his powers in ways that demeaned the institution of the
12 federal grand jury, that demonstrated contempt of the
13 courts of the United States and the rules that govern their
14 proceedings, and that demeaned the office of independent
15 counsel and offices of all those charged with responsibility
16 for seeing that the laws of the United States are faithfully
17 executed. By his conduct as an independent counsel, Ken-
18 neth W. Starr has committed high crimes and misdemean-
19 ors against the Constitution and the people of the United
20 States.

21 In all of this, Kenneth W. Starr has acted in a man-
22 ner contrary to his trust as an independent counsel of the
23 United States and subversive of constitutional govern-
24 ment, to the great prejudice of the cause of law and jus-

1 tice, and to the manifest injury of the people of the United
2 States.

3 Wherefore Kenneth W. Starr, by such conduct, war-
4 rants impeachment and trial, and removal from office.

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